

SIXTY-FIRST DAY

(Tuesday, May 2, 1939)

The Senate met at 10:00 o'clock, a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill Metcalfe

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Metcalfe was granted leave of absence for today, on account of illness, on motion of Senator Lanning.

Senator Hill was granted leave of absence for today, on account of illness, on motion of Senator Aikin.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Moore:

S. B. No. 449, A bill to be entitled "An Act finding that the area of land lying south of a line on the north bank of Arroyo Colorado in Cameron County and included in the boundaries

of Cameron County Water Control and Improvement District Number Nineteen, in Cameron County, as such boundaries were originally described, cannot be irrigated by gravity flow and can only be irrigated by expensive pumping operations at excessive costs; that the construction of an irrigation system on said area of land would impose unequal tax burdens on other lands in the District; that the exclusion of said area of land from the boundaries of said District and the assumption by the redefined District of the outstanding bonds of the District will benefit all lands and all owners of lands remaining in the District and result in a more efficient operation of the District; that said area should be excluded from the boundaries of the District; that the Board of Directors of the District have adopted and published a resolution finding the facts as herein found by the Legislature and excluding said area from the boundaries of the District and assuming for the District as redefined the bonds and other indebtedness of the District as it heretofore existed; excluding from the boundaries of said District as it heretofore existed, the area of land above described; adopting, ratifying, approving, confirming and legalizing the act of the Board of Directors of the District in adopting a resolution excluding from the boundaries of the District the area of land lying south of a line on the north bank of the Arroyo Colorado and heretofore being a part of the District; adopting, ratifying, approving, confirming and legalizing the act of the Board of Directors in assuming for the District as redefined the payment of outstanding bonds and indebtedness of the District as it heretofore existed and declaring all outstanding bonds and indebtedness to be the obligations of the District as redefined; providing that the present Board of Directors and other officers of said District shall continue to hold their respective offices for the terms for which they were respectively elected and appointed and until their respective successors are elected or appointed as provided by law and the rules of the District and qualify; authorizing, empowering and making it the duty of the Board of Directors of the District to levy, assess and collect and enforce the payment of ad valorem taxes to pay the interest on the bonds of said District and to provide

a sinking fund for the payment of said bonds and to pay other indebtedness of said District, and to levy, assess and collect taxes and assessments for the support, maintenance and operation of said District; granting to said District and the Board of Directors thereof all powers now or hereafter conferred by general laws on water control and improvement districts for the purpose of levying, assessing, equalizing and collecting taxes and enforcing the payment thereof; exercising the authority conferred upon the Legislature by Article XVI, Section 59, of the Constitution of Texas, in the establishment of said District and defining its duties and powers and declaring Cameron County Water Control and Improvement District Number Nineteen, in Cameron County, as redefined, to be essential to the accomplishments of the purposes of said constitutional provision and to be a governmental agency and body politic and corporate, with such powers of government and authority to exercise such rights, privileges and functions as are conferred by law; declaring said District is and has been legal and valid from the date it was created by the Commissioners' Court, and that as redefined it is legal and valid; confirming, ratifying and validating each and all proceedings taken in the organization and operation of the District and in changing the boundaries thereof and assuming the indebtedness thereof with like effect as though each of said acts and proceedings had been done by Act of the Legislature or under specific statutory authority; authorizing suit for judgment, confirming and validating proceedings had in the organization and operation of the District and issuance of bonds of the District and changing the boundaries thereof and assuming the indebtedness of the District and vesting jurisdiction for the hearing of such suit and entering of judgment therein and providing for parties thereto; reciting that proof of publication of resolution of the Board of Directors of the District and of notice of this Act has been made as required by law; and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

Report of Standing Committee

Senator Pace, by unanimous consent, submitted at this time the fol-

lowing report of the Committee on Mining, Irrigation and Drainage:

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 449, A bill to be entitled "An Act finding that the area of land lying south of a line on the north bank of Arroyo Colorado in Cameron County and included in the boundaries of Cameron County Water Control and Improvement District Number Nineteen, in Cameron County, as such boundaries were originally described, cannot be irrigated by gravity flow and can only be irrigated by expensive pumping operations at excessive costs; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Senate Bill 118 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to permit consideration of S. B. No. 118 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 118, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended Acts 1931, Forty-second Legislature, Second Called Session, p. 53, Ch. 32, No. 1 [relating to apportionment of Available School Fund]."

The bill was read second time.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 118 by adding at the end of Section 1 the following: "Provided that no rate for school purposes shall be set by said Board in excess of a rate required to produce sufficient funds when added to other available school funds would produce a total Available School Fund for an apportionment in excess of Twenty-

two and 50/100 (\$22.50) Dollars, it being the intention of the Legislature that the State Board of Education shall have the authority to fix the apportionment at not exceeding Twenty-two and 50/100 (\$22.50) Dollars, and when so fixed, the State Tax Board shall fix a rate for school purposes, the maximum rate authorized by the Constitution if necessary, to produce revenue when added to other available school revenue, shall be a sufficient amount to meet the apportionment, which shall not be in excess of Twenty-two and 50/100 (\$22.50) Dollars; and it is specifically provided that the rate shall never be greater than necessary to supplement other available school funds to guarantee an apportionment of not exceeding Twenty-two and 50/100 (\$22.50) Dollars per year."

The amendment was adopted.

On motion of Senator Aikin, the caption was amended to conform to the body of the bill as amended.

The bill was passed to engrossment.

Senate Bill 118 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 118 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill	Metcalfe
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill	Metcalfe
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Motion to Take Up House Bill 9

Senator Roberts moved that the regular order of business be suspended and H. B. No. 9 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—18

Aikin	Roberts
Beck	Shivers
Brownlee	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Moffett	Sulak
Moore	Weinert
Redditt	Winfield

Nays—10

Burns	Martin
Collie	Nelson
Cotten	Pace
Graves	Spears
Head	Van Zandt

Absent

Hardin

Absent—Excused

Hill	Metcalfe
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House Bill 359 on Second Reading

Senator Aikin moved that the regular order of business be suspended and that H. B. No. 359 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Pace
Beck	Redditt
Burns	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

Nays—3

Brownlee	Spears
Cotten	

Absent

Collie

Absent—Excused

Hill	Metcalfe
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The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 359, A bill to be entitled "An Act to amend Article 5420 of the Revised Civil Statutes of Texas, 1925, by requiring that all suits under said Article and under Article 5419 of the Revised Civil Statutes of Texas, 1925, hereafter filed, be brought in the county in which the land involved or any part thereof may lie, and providing for the transfer from the District Court of Travis County, Texas, to the court having jurisdiction in the county in which the land or any part thereof may lie of cases heretofore filed by the State in the District Court of Travis County, Texas, under said Articles and not yet tried in the trial court on motion of any party to any such cause, and providing for the hearing and disposition of such motion, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 359 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 359 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Pace
Beck	Redditt
Burns	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

Nays—1

Brownlee

Absent

Collie

Absent—Excused

Hill	Metcalfe
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Nelson
Beck	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Moffett	Weinert
Moore	Winfield

Nays—2

Brownlee Van Zandt

Absent

Collie

Absent—Excused

Hill Metcalfe

Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled resolutions:

H. C. R. No. 118, Granting Honorable J. D. Stephenson, Judge of the 66th Judicial District of Texas, permission to leave the State.

H. C. R. No. 120, Requesting that a new battleship soon to be constructed and completed by the Federal Government be named "The Battleship Texas."

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 123, A bill to be entitled "An Act dedicating and establishing the Big Bend National Park in Brewster County, Texas, and defining the area of said park and defining the duties and powers of the Texas State Park Board in regard thereto, and transferring certain lands belonging to the State Public School Fund to the State of Texas for park purposes only, and providing a consideration therefor, and transferring and conveying certain mineral estates now owned by the State Public School Fund in said area to the State of Texas for park purposes only and providing a consideration for said transfer and conveyance; and authorizing the Board to make exchange of lands previously acquired for park purposes under certain Acts lying outside the area defined by this Act for land lying within said area and fixing a maximum price that shall

be paid by the Board for the purchase of land in said area where said consideration is to be paid out of appropriations from the General Fund of the State, and further providing that all lands acquired by the State for park purposes under Chapter 100, Acts First Called Session, Forty-third Legislature, within said area is to be transferred to the State of Texas for park purposes and to be designated as a part of the land dedicated herein as the Big Bend National Park, and making an appropriation for the carrying out of the provisions of this Act and providing a method for disbursing said appropriation and providing that the United States Government may acquire title to said property within said area and authorizing a conveyance by the State of Texas to the United States Government for park purposes, and declaring an emergency." (With amendments.)

H. B. No. 180, A bill to be entitled "An Act to amend Chapter 23 of the Acts of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, same being an Act entitled: 'An Act to aid the City of Rockport in constructing seawalls, breakwaters, revetments and shore protections by donating to the city the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Aransas County, Texas, for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misapplication of funds raised therefrom, and to declare an emergency; by extending the provisions of said Act for a period of forty years from September 1, 1920, and to aid the City of Rockport to pay interest and sinking funds upon outstanding bonds heretofore issued, the proceeds of which have been used exclusively in constructing and maintaining seawalls, breakwaters and shore protection to protect the City of Rockport and to issue bonds for the purpose of constructing seawalls, breakwaters, revetments and shore protection to protect said City of Rockport.'" (With engrossed rider.)

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Motion to Take Up House Bill 9

Senator Moffett moved that the regular order of business be suspended and that H. B. No. 9 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Aikin	Shivers
Beck	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Moffett	of Washington
Moore	Weinert
Redditt	Winfield
Roberts	

Nays—12

Brownlee	Head
Burns	Martin
Collie	Nelson
Cotten	Pace
Graves	Spears
Hardin	Van Zandt

Absent

Lemens	Sulak
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Absent—Excused

Hill	Metcalfe
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Senate Bill 75 with House Amendments

Senator Nelson called from the President's table S. B. No. 75, further regulating travel bureaus, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

Senator Spears moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed by the following vote:

Yeas—15

Aikin	Burns
Beck	Graves

Hardin
Isbell
Lanning
Martin
Roberts
Shivers
Spears

Stone
of Galveston
Stone
of Washington
Weinert
Winfield

Nays—13

Brownlee	Nelson
Collie	Pace
Cotten	Redditt
Head	Small
Lemens	Sulak
Moffett	Van Zandt
Moore	

Absent

Kelley

Absent—Excused

Hill	Metcalfe
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Senate Bill 123 with House Amendment

Senator Winfield called from the President's table S. B. No. 123, to promote the establishment of the Big Bend National Park in Brewster County, Texas, for consideration of the House amendment to the bill.

The President laid the bill before the Senate, and the House amendment was read.

Question—Shall the Senate concur in the House amendment?

The Senate concurred in the House amendment by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill	Metcalfe
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**Presentation of Portrait of
Hon. Tom Connally
to the Senate**

At 11:00 o'clock a. m., the President announced that the hour had arrived for the presentation to the Senate of a portrait of Hon. Tom Connally, United States Senator from Texas, in accordance with the provisions of Senate Resolution No. 63, adopted on April 12, 1939.

Accordingly, the courtesies and privileges of the floor were extended the friends of Senator Connally; and Governor W. Lee O'Daniel, Chief Justice C. M. Cureton, Hon. McDonald Meachum, Hon. Dan Moody, and Hon. W. A. Keeling, by invitation of the President, occupied seats on the President's stand.

The following is a complete transcript of the entire presentation ceremony, which, on motion of Senator Redditt, was ordered printed in the Journal:

Lieutenant Governor Stevenson: Members of the Senate, and Ladies and Gentlemen—The Second Called Session of the Forty-fifth Legislature, by resolution, authorized the placing of a portrait of Senator Connally in the Senate Chamber. This session of the Legislature, by resolution, has set apart this particular hour for the ceremonies incident to the presentation of that portrait.

I now present to you a man who has had as much to do with this entire ceremony as any other individual in Texas, and perhaps more, and it is entirely fitting that a former member of this body be selected by the friends of Senator Connally as the man to present that portrait. I introduce to you a man who served for eight years in this Senate Chamber, and who rendered distinguished service to Texas in that capacity. Perhaps he might not be as distinguished today if he had to engage in competition with the present Senate, which in my judgment is the best that ever sat within these walls. (Applause). Nevertheless, he was distinguished in his day and time, and I now present to you the Honorable McDonald Meachum, who will present the portrait of Senator Connally. (Prolonged applause.)

Mr. Meachum: Mr. President, Governor O'Daniel, Judge Cureton, Mr. Keeling, Governor Moody, Gentlemen of the Senate, Ladies and Gentlemen—Looking back through the corridors of time I think I can very

well endorse what Governor Stevenson said of this Senate. I think the boys you have here now would stack up with any of them. I have many friends here, of whom I am very fond, as you know.

I have just received this telegram from Senator Connally, who is unavoidably detained on pressing business at Washington:

"Washington, D. C., May 2nd.

"Hon. McDonald Meachum, care of Senate Chamber.

"I am inexpressibly gratified to you and other partial friends whose generosity provided the portrait which you today are presenting to the State Senate. Stop. I am deeply touched by the consideration and kindness of all those having a part in the presentation exercises, and beg to request that you convey to them my deep sense of appreciation."

—Signed by Tom Connally.

In the interest of brevity and accuracy I have departed from my usual custom to speak extemporarily, and will ask your indulgence while I read this address.

Mr. President, Gentlemen of the Senate, Ladies and Gentlemen:

It is a pleasing experience to me to be present with you at this hour, not alone because this occasion affords us an opportunity to pay a just tribute of respect and esteem to a gifted and distinguished public servant, our beloved Senator Tom Connally, but this brief visit with you revives within me treasured memories of service and associations here, now long past. Indulge me to say that I can think of no official position where greater opportunity is presented for the exercise of a real and substantial devotion to the welfare of the people of Texas, than as a member of the State Senate, and while at times in the adjustments of state policies and its legislative conflicts there may be those who underestimate its value, in the future and when your membership has terminated, you will cherish its memories, its friendships and its accomplishments, more and more as they ripen with the years.

In grateful appreciation of your recent action in resolving that the portrait of Senator Tom Connally be presented to the State of Texas and to the Senate of Texas in recognition of his outstanding service to the State and to the nation, a number of patriotic and public spirited citizens of Texas, represented by a com-

mittee consisting of E. J. Fountain, Esquire, of Houston, Texas; Senator John S. Redditt, of Lufkin, Texas; General W. A. Keeling, of Austin, Texas; Mr. E. L. Kurth, of Lufkin, Texas; and Mr. George S. Heyer, of Houston, Texas, have authorized this presentation to be made. For one to be thus favored is a very great honor, but it is a greater honor to be so deserving of it.

A great Southerner once said:

"The sturdiest romantic tradition of American public life has been the rise into power and fame of the youth who struggled up to his heights from humble and unlovely beginnings."

The life of Tom Connally is a realistic exemplification of this indisputable fact. Born in McLennan County, Texas, on the 19th day of August, 1877, of a sturdy and patriotic ancestry but possessed of limited means, his advancement up the "Ladder of Fame" was a contest which invoked at its beginning those strong but impressive qualities of courage, application and self-denial. Imbued with a deep sense of reverence for Democracy as the essential form of good government, he has been at all times a firm believer in the inherent power of the people as its surest guaranty. While, like many American statesmen of renown, his career had its beginning by service to the people of his immediate community who knew him best, as Prosecuting Attorney of Falls County and as Representative from Falls County in the Texas Legislature, he found natural inspiration in his unfaltering faith in the people and his ever-present desire for their betterment and happiness, as manifested in all of his official acts.

It was inevitable that, with such a background and possessing excellent natural endowments, with his friendliness and faith in his fellow-men, his honesty and sincerity of purpose, he should enjoy further promotion as a Representative in Congress for a number of years and then the exalted station of United States Senator from Texas.

When we contemplate his humble beginning, his steady and consistent advancement, his career and achievement, his life and character constitute at once an inspiration of hope, faith and encouragement to the struggling youth of our land. It all

exemplifies what the late Doctor Edward Anderson Alderman, then President of the University of Virginia, so truthfully and beautifully expressed in these words:

"The Southern boy of this generation has found himself at last in American life and made himself at home at the moment when the Republic has most need of his tempered strength. He is a fine hopeful figure, this Southern boy whom I know so well, of strong political instincts, facing tardily a fierce industrialism, and a democracy, with its grandeurs and temptations, his ambitions and dreams moving about them and yet holding fast, through the conservatism in his blood, to the noble concepts of public probity and scorn of dishonor. And there is a fine justice that this should be true at the climax of the heroic renaissance of his section, so long overborne with burdens and misconceptions and tragedies, but at last unhindered and free to run the course which Jefferson foresaw and Washington blessed with his transparent integrity and his glorified common sense."

Senator Connally's youthful and steady promptings of heart and mind brought him to an early undiminishing and ever-increasing realization and appreciation of the glorious heritage that is ours in this free America, and which abundantly offers opportunity to every youth in the fact that living under a constitution providing by its organic and fundamental law that no patents of nobility may be conferred, but are expressly inhibited, assures him of reaching the heights in the service of his State and Country, if he but be worthy.

Some months ago it was my privilege to visit the Tower of London, first built by William the Conqueror. I there saw the royal crowns studded with diamonds, emeralds, rubies, pearls, sapphires and brilliants of great value which had adorned the brow of many of the early Kings and Queens of England. I beheld for the first time the scepters of power, made of gold and precious stones, which royalty had wielded in its hands and I thought, as history records, of all the misery, suffering and death which many of these ambitious men and women, born to rule

under the so-called "divine right of kings", had caused to their helpless countrymen in the days of old, and I thanked God for our glorious America where every man, however humble he may be, is free to reach the heights of preferment to which his character and ability entitle him under our blessed government. What a sacred duty it is for us to preserve it in all its constitutional vigor and privileges! So long as we are represented in the American Congress by men like Tom Connally who inherently believe in its sacred principles as guaranteed to us by its incomparable Constitution, we need have no fear of its destruction. Even in this day and at this moment, what is happening across the waters reminds us of its sacred value and of our solemn duty to preserve it for all time, not only for ourselves and our children, but for all mankind. Who, in the light of the recent past compared with the present outlook as it exists on foreign shores, can doubt that it behooves us to be mindful of our free institutions? It was but a little while ago, in December, 1914, when that learned Clergyman, Dr. Lyman Abbott, used these prophetic words:

"Who, looking across the Atlantic Ocean with those telescopic eyes which the press furnishes us, and listening to the boom of the cannon and the rattle of the infantry, the groans of the dying and the sobbing of the women and children—who can doubt that there is in this world yet a barbarism that regards might as right and acknowledges no allegiance and no loyalty except force."

In the face of such warning, let us renew our faith by an expression of our appreciation of the loyal and efficient service of those who, standing in high places, have it in their hearts to preserve our America and its glorious concepts in their full force and vigor. Let us also here now appropriately resolve that our boys shall never again suffer and die in a foreign country, except in the defense of and to prevent the invasion of our beloved land.

Mindful of these noble sentiments, Mr. President and Gentlemen of the Senate, we present to you and to the people of Texas the portrait of our beloved, courageous and patriotic Senator, Tom Connally of Texas. Let it be placed upon the walls of this

Senate and in the Capitol of our great people, that it may be preserved not only for ourselves but to those who shall come after us, as an expression of our appreciation of his faithful service, and as an inspiration to the youth of our State.

Lieutenant Governor Stevenson: The year 1928 was a particularly fortunate one for Texas. That is the year in which Senator Connally was first elected to the Senate. Incidentally, it is the same year in which I was elected to the Legislature. (Laughter).

When I arrived in Austin we found a man here heroically endeavoring to save the State, trying to save us from the woes and the pitfalls and trial and tribulations which the professional politicians had theretofore inflicted on us. (Laughter and applause). And that man really completed the job, and when the friends of Senator Connally were looking about for someone to make appropriate comments incident to the ceremonies of this morning, they decided to select the man who was Governor of the State at the time Senator Connally began his services in the United States Senate; and so I present to you this morning Governor Moody, who will speak to you on the life and character of Senator Connally. (Prolonged applause).

Mr. Moody: Mr. President, Governor O'Daniel, Members of the Senate, and Friends of Senator Connally—

The admiration and respect for Senator Connally which prompted the donors to present the portrait and the Senate to accept it will meet with the approbation of his hundreds of thousands of friends throughout the State. His friends are many; they are everywhere in Texas; they are people of all ages and of all stations in life. Their number and their personal loyalty to him attest anew that republics appreciate an honest and faithful public officer, and that the most satisfactory reward of the public service, the confidence of the people, is paid in liberal measure to the officer who discharges his trust with fidelity.

Born on a farm in McLennan County, educated in the public schools, at Baylor University and the University of Texas, Senator Connally has proved again that in this country rectitude of conduct, loyalty to principle, courage of conviction, intelli-

gent devotion to duty and faithfulness to trust will win a secure and permanent place in the hearts of the people.

In early youth Senator Connally planned a career in the law and in preparation for it attended the Law School of the University of Texas. After being admitted to the Bar he entered upon the practice of law in Marlin. I am told by his contemporaries in the practice that he lost no time in demonstrating that he possessed the qualities of the superb advocate; that before he was thirty he had made a record as a trial lawyer and as prosecuting attorney of Falls County, which even today is the goal young men strive to attain. How distinguished and notable a career he would have had in the law, had other fields of service not been more alluring, those who know his character and talents readily testify. Nature endowed him with the intellect, the personality, fine strength of body, and he acquired the habits of self-discipline and developed the character which inevitably would have placed him in the company of the greatest lawyers this State has produced.

In 1917 he offered for Representative in Congress from the Eleventh District. His opponents were older men from the more populous counties in the District, but the idealism, the force of character and warm engaging personality of the young man from Falls County captured the imagination of the people of the District and he was elected over all opposition by a substantial majority. That was in 1917, and before the young Congressman had learned his way about Congress, or even the office building, this nation was at war. His position was one of security so far as war was concerned, but he felt that his country had a greater need for him in other fields than in the halls of Congress, and, as in 1898, before he was twenty years of age, he enlisted for service in the Spanish-American War, so in the World War he left Congress to enlist as a soldier in the United States Army. He had served his country in time of peace; in time of war he chose the place of danger.

Interrupted only by his service in the army, he served continuously from the Sixty-fifth Congress through the Seventieth Congress as a member of the House of Representatives. It was in those days that the people throughout the State began to hear more and more of Tom Connally.

His membership on the Committee on Foreign Affairs, his aptness in debate, his willingness to challenge the overwhelming and erring majority that the Republicans held in Congress in that day, appealed to the people of Texas; and in 1928, when he offered as a candidate for the United States Senate, his election seemed assured from the day of his announcement. He has now served in the United States Senate one term and a part of a second term.

Let me direct attention to some of his achievements in the way of legislation that are of immediate, lasting and substantial benefit to the people of Texas. But in cataloging some of his accomplishments for Texas, I would not have it thought that his service has been hampered by the blight of a narrow or purely sectional interest. He has envisioned the needs of the nation and its proper relation with other nations, and in that respect has been an ideal legislator. Having been born and reared in the Southwest he went to Congress with knowledge of the evil effects of a tariff policy that offered protection to the manufacturing centers and denied protection to the producing sections; and early in his career he proposed and secured the adoption of an amendment to the Tariff Act which imposed a duty upon cheaply produced foreign cattle. Later he secured the enactment of a law levying a tax upon foreign produced animal and vegetable oil and fats. These measures were of inestimable value to the two basic industries of Texas, cotton and live stock raising, and for that matter of value to all people of the South and Southwest.

A few years ago the rich reserves of oil in this State, notwithstanding the effort that the State Legislature and State officials had put forward to protect them, were being subjected to a reckless and wanton waste. Texas, the richest of all states in these reserves was not able to prevent this destructive waste because the channels of interstate commerce were open to the transportation of oil without regard to whether it had been produced in conformity with or in violation of the Texas laws. That fact alone was the basis of the inability of State authority to protect this valuable resource from a waste that amounted to vandalism. The situation was so aggravated and of such national importance that the threat was seriously made that the

Federal Government would cross State lines and take control of the production of oil in Texas. Senator Connally put a stop to the evil and averted Federal interference by introducing and securing the passage of an act which barred from transportation in interstate commerce oil that had been produced in violation of State laws. The result of this bill was to make effective State laws and regulations designed to protect this State's natural resources from profligate waste. One cannot state in dollars the value of this act and its enforcement to the present and future of this State because there is no mind that can conceive its ultimate good to the people of Texas, and this without regard to whether they are or are not in the oil business. The Connally Act was recently condemned before some Congressional committee as a measure that tended to monopoly; but the fair man in the oil business, however small or circumscribed his activity may be, knows better, and is ready to testify that the effect of this law has been to preserve his business and the business of all other small operators who had a desire to obey the laws of the State.

These and many other bills that I might mention have had more or less of a local application; but Senator Connally's field of service has not been local, and he is not just a local figure, as is manifest by other parts of his official record. The truth of the statement is attested by the fact that he has devoted his time and talents to those matters that are of national importance, and not to wheedling money out of the Federal Treasury for local uses. While neither afraid nor unwilling to spend public money for public use, whether it be for an army and navy, for public improvements, or for relief of the needy, definitely he has not attempted to maintain himself in public favor by procuring the expenditure of public money. That he is not just a local figure is further attested by the fact that he is a member of the Finance Committee, of the Foreign Relations Committee, of the Judiciary Committee and of the Committee on Privileges and Elections; and that he is the only member of the United States Senate who holds membership on the three powerful Committees—Finance, Foreign Relations and Judiciary. His activities on these committees reach and touch all items of major legislation that affect

the entire country in its internal affairs and in its relation with foreign nations.

A further illustration of the breadth of his interest and vision is found in the fact that on January 24, 1933, he advocated the reduction of the gold content of the dollar and in a series of speeches thereafter explained the plan and analyzed its effect. He followed this by introducing a bill to provide for the adoption of the plan; the bill was enacted and immediately put into operation. It formed the basis and has been the keystone of the entire structure in the recovery program. His active mind and intense interest in national and world affairs would not find satisfaction in his being just a Senator from Texas. The horizon of his interest and service has been farther flung. He has been and is a Senator of the United States.

There have been many to disagree with Senator Connally, but there have been none to doubt his courage, question his sincerity of purpose or dispute his abilities. He has not sought controversy, but where he conceived principle or the public good to be involved he has shown an utter disinclination to avoid controversy. He has not been one of those time-serving officers who maintained his position by keeping his ear to the ground. His course of conduct as a member of the United States Senate warrants it being said of him that he has sought to serve the public welfare without regard to considerations of present personal political safety; and this attitude of deference to the public good and indifference to questions of personal political popularity have challenged respect and secured for him in abundant measure public confidence and esteem. His course of conduct in this respect and the resulting political security which it has brought him suggest that the words "whosoever will save his life shall lose it; and whosoever will lose his life * * * shall find it" may be given application to matters which are political as well as to affairs which are spiritual and personal.

Senator Connally is devoted to the ideals of Democratic government. The Constitution is his official touchstone. Confirmed by education, training and thinking in faithfulness to the Constitution, loyalty to Democratic government and belief in State's rights, he has campaigned for them with the zeal and enthusiasm

of a crusader. He is ever ready to espouse the cause of progressive and liberal government under the Constitution. At this time when alien influences are gnawing at the foundations of civil liberty and constitutional government and attempting to destroy confidence of the people, the world around, in the most progressive, liberal and beneficent government on earth, well it is that Texas has such a watchman on the tower; and Texans are willing to trust the present and future in his hands.

Texas has had great men in the United States Senate. Portraits of Sam Houston, John H. Reagan, Richard Coke, Charles A. Culberson and Joseph Weldon Bailey, Senators from Texas who added fame and luster to the name of this State, adorn these walls; and the portrait of Tom Connally should have a place in their midst—for that is where the people of Texas would have his portrait. I thank you. (Prolonged applause).

Lieutenant Governor Stevenson: I am sure it must be apparent to this audience that those who framed the program for today had in mind a particular relevancy to the proprieties of the occasion. One of these framers is General Keeling, a man who formerly served as Attorney General of this State, who has been very active, both in bringing you this program and in the events which led to it. In keeping with this relevancy, it is entirely appropriate that this portrait be accepted today by that man among us who enjoys the veneration and respect of every colleague on this floor. I refer to the Dean of the Senate. It is quite an honor to become the Dean of the Senate, because it means service in length of years, but when that service has been performed by one who has discharged it with such signal ability and fidelity to the people's interest as the Senator from Potter, it becomes a peculiar pleasure to any Presiding Officer to present him to the people of Texas, and I now present to you the Honorable Clint Small, who will accept this portrait for the Senate of Texas. (Prolonged applause).

Senator Small: Mr. President, Governor O'Daniel, Members of the Senate, and distinguished visitors: I think my good friend, the Lieutenant Governor, probably overplayed his hand just a little bit with reference to my position as Dean of this Senate. We came here at the same time, he

on one side of the Capitol, I on the other. He has been transplanted as the Presiding Officer of the Senate, and I think that he deserves whatever distinction might come with the position of Dean of this Senate.

In behalf of the Senate I want to say that we are delighted, we are honored to have these distinguished citizens of Texas with us on this mission. We are glad always to have the inspiration that comes from their presence, but we are particularly happy because they have made it possible for this Senate at all hours and at all times, to have the inspiration that comes from an opportunity to look at the portrait of a distinguished son of the State of Texas, to look at the portrait of the real human being whose heart beats in true unison with the impulses of the people of this State. Every man in this Senate has confidence in the wisdom and in the ability of Senator Tom Connally; every man in this Senate looks upon him as his friend, as his counsellor, and as his servant at Washington. There is something particularly human about this individual, something that ingratiates him into the feeling and friendship and the good fellowship of everybody—a happy big soul that makes you feel good to be in his presence.

Around the walls of this Senate we find the portraits of distinguished citizens who have made the State of Texas great. This morning our guests present to the Senate the portrait of one who is going to keep Texas great. We are annotating and bringing down to date a series of select portraits of the individuals who have endeared themselves to the masses of the people of this State, and I am quite sure I voice the sentiments of my colleagues and of the officers of this legislative group when I say that no person in official life could come more nearly filling that niche than Senator Connally.

Governor Moody called your attention to the fact that when Tom Connally went to the Congress of the United States, he had the courage and the nerve to challenge the position and the errors of the Republican Party. My friends, I don't think it takes any particular amount of nerve and courage to challenge the errors of your adversary; I don't think it takes any particular amount of nerve and courage for a Democrat to chal-

lenge the errors of a Republican; but, my friends, the reason I love Tom Connally is because he has the nerve and the courage to challenge the errors and the mistakes of his own political party, and it is along that line that I think Senator Connally has most endeared himself to this generation and has performed the most outstanding service of his career. I consider Tom Connally a conservative. What do I mean by that? I mean that Tom Connally is rational in his conservatism. We have in the Democratic Party a few, and in the Republican Party a great many, who, to my way of thinking, are radical in what they choose to call their conservatism. We have men who want to cling to worn out tradition, we have men who want to hang on to conditions of the past which do not fit the exigencies of the generation in which we live. Those persons I call radical conservatives. Tom Connally, I believe, is a conservative with a vision, a conservative whose eyes are turned to the future, rather than to the past, a conservative who wants to interpret his statesmanship in terms that will be beneficial to a generation of people who are living in the most complex system this world has ever known. I think Tom Connally is a strict adherent to a sane and practical interpretation of the Constitution of these United States. The Constitution of the United States was ordained and created in order to enable the people of this Nation to strive towards some very definite purposes. One of those purposes was to create "a more perfect union." That was not accomplished by the Declaration of Independence or by the adoption of the Constitution of the United States; that was the beginning of a struggle that has not yet been completed, and there is no one among us that can say that we at this time have a perfect union.

Another one of the avowed purposes for which the Constitution of the United States was established was to bring about more "perfect justice" among the people of this country. That purpose has not been accomplished, and you only have to look to the calendar of this Senate to show yourselves that there is a constant effort being made to bring about more uniformity in the administration of justice and to expedite its administration in this country of ours. An-

other thing for which the Constitution was ordained was to bring about "domestic tranquility," and it is with a great degree of regret that we look about us on every side and see that conditions in this country are not tranquil. Another purpose was the "common defense" of this Nation, and, sad to relate, in this hour which should be the hour of greatest civilization, we feel the need of more defense than ever before in the history of this country. Another thing was to "promote the general welfare" of the people of this Nation, and we find today a great clamor about that condition, the welfare of the people; and we see efforts being made in the National Congress and in this body and all other legislative bodies, to bring about conditions that will promote the general welfare. We hear about social security and all of those things that are new and novel and that a few short years ago we heard nothing about.

Now, what I admire about Tom Connally is that with all of these changed conditions, with the need for securing the general welfare of the people of this Nation, with the need for the promotion of domestic tranquility, with the need to surround this Nation with the defenses that the framers of the Constitution had in mind when they wrote the preamble to that great instrument, Tom Connally is not clinging to conditions that do not fit this day and age, but that he has a vision of legislation that is in step with the aims, the ambitions, the life, the aspirations, and the activities of the people of a growing, changing Nation, and that he is attempting to fit legislation designed according to our own conservative conception of the Constitution, in order that those things that are outlined in the Constitution may be beneficial, not to the past but to the living, breathing present in which he is such a vital factor.

There is another thing that I love Tom Connally for, and that is that he is not a "rubber stamp" United States Senator. He has his own convictions, and he has the courage of those convictions; and once he arrives at a conclusion, the political exigencies of the time do not deter him from carrying out those convictions.

My friends, I do not think that we need in the United States Senate, or even in the State Senate of Texas, a

"rubber stamp" individual that will blindly follow the lead of any person, regardless of how mighty and how powerful he may be. No person ever contributed anything to modern thought by blindly following a leader. We want somebody who will blaze a new trail, and once he has blazed that trail, to keep it open for the use of the public. Tom Connally is not up there following anybody. He stands on his own feet. He is a United States Senator from Texas who measures up to the stature of a truly great United States Senator.

So, my friends, it is a happy privilege to be connected with the movement to bring to this Senate the portrait of the exponent of the type of government I have been trying to briefly scan and sketch.

We bring a splendid portrait of our good friend. We know him here as a congenial, wholesome individual that refreshes you and inspires you by his presence and the good cheer that emanates from every portion of his being.

We know him as a beloved Texas citizen, respected by the high and by those of low estate. We know him here as a statesman, who, in the hour of trial when popular opinion was running one way and when it was easy to follow the mob, had the courage to stand out as a beacon light and as a bulwark against things which the average American citizen does not think would contribute toward a more perfect justice, as put into the Constitution.

We know him as an individual who stands on his own feet, and follows no person. He is not given to the "rubber stamp" tactics of this generation. We bring him here as a statesman who does not think that his greatest achievement is to run his hands into the Federal treasury and to get out hard-earned tax dollars and to scatter them broadcast in a prolific fashion over this land, for doing things that are beyond the governmental province.

I know everyone of you here is happy to have that portrait, and that you will receive inspiration from it; and on behalf of the Senate, in which I have had several years of very pleasant service, and on behalf of the State of Texas and on behalf of the many citizens who trail in and out of this Senate day in and day out, and who will be glad to find the portrait of

their friend, not of days gone by, but of this immediate present, I wish to thank this committee for their thoughtfulness in bringing these flowers to Senator Tom Connally while he is able to enjoy them. I hope that he has an opportunity to visit us and see this portrait, and that this legislative body before it adjourns will have a chance to listen to the sound principles of government, as he believes them, and to interpret the conditions that now exist in the terms of the legislation that is pending at Washington. I thank you. Prolonged applause.)

Lieutenant Governor Stevenson: The Chair recognizes the Senator from Angelina.

Senator Redditt: I would like to move that the proceedings of the presentation and the acceptance of the portrait of Senator Tom Connally be printed in the Senate Journal.

Lieutenant Governor Stevenson: The Senator from Angelina asks that the proceedings of the presentation and the acceptance of the portrait of Senator Tom Connally be printed in the Journal. Is there objection? . . . The Chair hears none, and it is so ordered.

I want to say, in conclusion, to the audience, that we deeply appreciate the presence this morning, not only of these eloquent and distinguished men who have addressed you, but that of the Governor and the Chief Justice of the Supreme Court of Texas who have seen fit to grace this occasion with their presence. (Prolonged applause.)

Recess

On motion of Senator Roberts, the Senate, at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

House Bill 1001 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. 1001 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1001, A bill to be entitled "An Act conveying to the United States of America the free and uninterrupted use, liberty, and easement of, in, and to that certain area of three (3) miles square or larger in Nueces County Navigation District, in Nueces Bay, in Nueces County, Texas, for the erection and establishment of forts, military stations or camps, magazines, arsenals, dock yards, barracks, light houses, navy yards, naval bases, naval air bases or stations, channels, approaches for battleships, or for other needful military purposes; providing for failure or refusal for the erection of such forts, stations, arsenals, naval bases, naval air bases, or stations, and other needful military structures; providing for the conveyance by the Governor of Texas of such area; providing for the retention of all oil, gas and minerals; making such conveyance subject to the limitation of certain statutes of the State; providing approval by the Legislature of such conveyance; providing for the reversion of said area to the State of Texas under certain contingencies, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1001 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1001 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill	Metcalf
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House Bill 799 on Second Reading

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 799 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 799, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain independent school district, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 799 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 799 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Brownlee
Beck	Burns

Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Moffett	Van Zandt
Moore	Weinert
Nelson	Winfield
Pace	

Absent—Excused

Hill Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Redditt
Brownlee	Roberts
Burns	Shivers
Graves	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Moffett	Sulak
Moore	Van Zandt
Nelson	Winfield
Pace	

Nays—3

Beck Weinert
Cotten

Absent

Collie Head
Hardin

Absent—Excused

Hill Metcalfe

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 123, Extending greetings to the Texas Cowboy Band and in turn asking them to extend greetings to people in all the States through which they travel.

H. B. No. 410, A bill to be entitled "An Act to amend Article 4453, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 7, Acts of First Called Session, Forty-second Legislature, and Articles 4555, 4556, 4557, 4558, 4559, 4563, 4565, 4565a, 4565b, of Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 12 of the Penal Code of Texas, 1925, by adding thereto Article 738a, and Article 737, Chapter 5, Title 12 of the Penal Code of Texas, 1925; so as to provide for a State Board of Examiners in Optometry, qualifications for and method of filling vacancies of said Board; providing for election of officers and meetings of the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice optometry in Texas to pass examination; providing subjects for and method of giving examinations; providing grounds for refusal of and cancellation of any license; prescribing examination fee; prescribing renewal license fee and method of obtaining duplicate licenses; defining terms; specifying acts constituting penal offenses and providing a penalty; repealing Article 4560, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, and all laws or parts of laws in conflict with the provisions of this Act; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof, and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 191 by a vote of 120 yeas, 0 nos.

The House has adopted the conference committee report on H. B. No. 95 by a vote of 112 yeas, 1 nay.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Bills on First Reading

The following, bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 180, to Committee on State Affairs.

H. B. No. 178, to Committee on State Affairs.

H. B. No. 410, to Committee on State Affairs.

House Concurrent Resolution 123

The following resolution received from the House today, was laid before the Senate:

H. C. R. No. 123, Relating to visit of the Texas Cowboy Band of Hardin-Simmons University to the New York World's Fair.

The resolution was read; and on motion of Senator Collie and by unanimous consent, it was considered at this time and was adopted.

House Bill 971 on Final Passage

Senator Beck moved to reconsider the vote by which H. B. No. 971 was passed on yesterday.

The motion prevailed.

The President laid the bill before the Senate on final passage.

Senator Beck offered the following amendments to the bill:

(1)

Amend H. B. No. 971 by striking out all after the enacting clause and substituting the following:

Section 1. That from and after the effective date of this Act in all counties in this State having a population of not less than forty-eight thousand, five hundred and thirty (48,530) and not more than forty-eight thousand, nine hundred and thirty (48,930), according to the last preceding Federal Census, the Commissioners Courts shall have the power and authority to fix the salaries of the Sheriff, the Tax Assessor-Collector, the County Clerk, the County Judge, the District Clerk, and the County Attorney; provided, however, that the salary of the Sheriff shall not be fixed in excess of the sum of Four Thousand Two Hundred Fifty (\$4,250.00) Dollars per annum, nor less than the sum of Three Thousand Six Hundred (\$3,600.00) Dollars per annum; the salary of the Tax Assessor-Collector shall not be fixed in excess of the sum of Four Thousand (\$4,000.00) Dollars per annum, nor less than the sum of Three

Thousand Six Hundred (\$3,600.00) Dollars per annum; the salary of the County Clerk shall not be fixed in excess of the sum of Four Thousand (\$4,000.00) Dollars per annum, nor less than the sum of Three Thousand Three Hundred (\$3,300.00) Dollars per annum; the salary of the County Judge shall not be fixed in excess of the sum of Three Thousand Two Hundred (\$3,200.00) Dollars per annum, nor less than the sum of Two Thousand Seven Hundred (\$2,700.00) Dollars per annum; the salary of the District Clerk shall not be fixed in excess of the sum of Three Thousand Three Hundred (\$3,300.00) Dollars per annum, nor less than the sum of Two Thousand Seven Hundred (\$2,700.00) Dollars per annum; the salary of the County Attorney shall not be fixed in excess of the sum of Three Thousand (\$3,000.00) Dollars per annum, nor less than the sum of Two Thousand Seven Hundred (\$2,700.00) Dollars per annum.

Sec. 2. All such salaries shall be paid in twelve (12) equal installments per year, and paid from funds now provided by law for payment of such officials.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of the conflict only.

Sec. 4. The fact that it is desirable to fix the compensation of county officials in the counties above set out, effective from and after the effective date of this Act, and the fact that officials in such counties are now receiving excessive salaries create an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Act shall take effect and be in force and effect from and after its passage, and it is so enacted.

(2)

Amend H. B. No. 971 by striking out the caption and substituting the following:

A BILL

TO BE ENTITLED

An Act authorizing and empowering the Commissioners' Court to fix the compensation of the Sheriff, Tax Collector-Assessor, County Clerk, County Judge, District Clerk, and County Attorney in all counties in this State having a population of not less than forty-eight thousand, five hundred and thirty

(48,530) and not more than forty-eight thousand, nine hundred thirty (48,930), according to the last preceding Federal Census; fixing maximum and minimum salaries for such officers; fixing the mode and manner of payment of such salaries; fixing the effective date of this Act; repealing all laws and parts of laws in conflict herewith, to the extent of such conflict only; and declaring an emergency."

The amendments were adopted severally.

The bill then was passed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill Metcalfe

Senate Bill 211 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended to permit consideration of S. B. No. 211 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 211, A bill to be entitled "An Act making an emergency appropriation for the balance of the fiscal year ending August 31, 1939, to pay the salary and necessary traveling, engineering, clerical and miscellaneous expenses of the Rio Grande Compact Commissioner for Texas in connection with the negotiation, administration and enforcement of the permanent Rio Grande Compact between the States of Texas, Colorado and New Mexico; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 211 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 211 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill Metcalfe

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill Metcalfe

Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 191, "An Act to provide for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 333, "An Act amending Article 875, Title 13, Chapter 6 of the Penal Code of the State of Texas of 1925, to include in the unprotected list certain birds not now included, and declaring an emergency."

H. B. No. 84, "An Act so as to make it unlawful for any person to place, set, drag or use any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trot line, set line or cast net with a spread of not more than nine (9) feet, or a minnow seine of not more than twenty (20) feet in length for catching baits or have in his possession any seine, net or trawl without a permit issued by the Game, Fish and Oyster Commission, in or on the waters of Matagorda Bay east of the Colorado River, providing for the use of spear or gig and light for taking flounder in these waters, repealing all laws or parts of laws in conflict herewith, providing when this Act shall take effect; providing for confiscation of nets, seines and other tackle for evidence and providing for penalties, and declaring an emergency."

H. B. No. 95, "An Act to amend Article 5024, 5025, 5026, 5029, and 5032 of Chapter 20, Title 78 of the Revised Civil Statutes of Texas, 1925, relating to indemnity contracts by reciprocal or inter-insurance exchanges and to fix the extent of liability of subscribers at such exchanges and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

S. B. No. 319, "An Act to fix the maximum tax rate for school purposes in all independent and common school

districts in counties having a population of not less than 12,188 and not more than 12,195 inhabitants, according to the last preceding Federal Census, and declaring an emergency."

House Bill 669 on Second Reading

On motion of Senator Lanning and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 669 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 669, A bill to be entitled "An Act creating the Lower Colorado River Water and Soil Conservation Authority as a body politic and corporate, defining its boundaries, specifying its powers and duties; providing for its officers and amount and manner of compensating the same, and their duties and powers; providing for the issuance of bonds and the payment thereof; providing for the sale of certain properties and the conditions of such sales; providing for accepting aid from and cooperating with the Federal Government, the State Government, and to cooperate and assist other Soil and Water Districts and Associations, organized for Soil and Water Conservation; and for an appropriation, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 669 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 669 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lanning
Beck	Lemens
Brownlee	Martin
Burns	Moffett
Collie	Moore
Cotten	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Isbell	Shivers
Kelley	Small

Spears	Sulak
Stone	Van Zandt
of Galveston	Weinert
Stone	Winfield
of Washington	

Absent—Excused

Hill	Metcalf
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill	Metcalf
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Reports of Standing Committees

By unanimous consent, the following reports were submitted by the committee chairmen whose names are signed thereto:

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining and Drainage, to whom was referred

H. B. No. 669, A bill to be entitled "An Act creating the Lower Concho River Water and Soil Conservation Authority as a body politic and corporate, pursuant to Section 59 of Article 16 of the Constitution of Texas; fixing its boundaries; defining and specifying its powers; conferring upon it all the powers conferred by general law upon District created pursuant to said Section 19, except as expressly limited; conferring certain other powers thereon, including the power to control, store, preserve, use, distribute and sell the waters of

the Concho River and Colorado River, to develop, generate, distribute and sell water power and electric energy, to acquire property by condemnation and otherwise, to construct, maintain, use, and operate facilities, to make contracts, borrow money, to create and issue negotiable bonds for cash, property or refunding purposes on certain terms and conditions, and in connection therewith to pledge all or any part of its revenues; etc.....; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Austin, Texas,
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 43, A resolution permitting Carl Anderton of Rusk County, Texas, to sue the State of Texas and the Highway Department,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 907, A bill to be entitled "An Act creating road law in Blanco County, Texas, providing work on public roads by those liable to such work; providing tax in lieu of such work; providing penalty for failure to pay such tax; providing time of paying such tax and penalty; making failure to work, pay the tax, and/or the penalty a misdemeanor; affixing penalties therefor; repealing all laws in conflict to the extent of the conflict only; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. C. R. No. 54, "Authorizing the State Highway Department of Texas to loan to the Ganado Independent School District certain discarded wire for fencing purposes,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 72, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, designating said Act as the 'Motor Carrier Act of Texas' and adding the sections thereto contained in this Act, to be known as the 'Private Carrier Act of Texas'; providing that said Motor Carrier Act shall not apply to a private carrier, as herein defined, except as specifically provided by this Act; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. C. R. No. 112, "Authorizing a loan of certain highway equipment,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 928, A bill to be entitled "An Act amending Article 4705, Article 4706, and Article 4993 as amended and repealing Article 5006 as amended of the Revised Civil Statutes of Texas of 1925, designating the funds and securities of which the capital stock of insurance companies incorporated under the provisions of Title 78, Chapter 2 of the Revised Civil Statutes of Texas shall consist, designating the securities in which funds of such companies may be invested; providing certain limitations on the amount of capital stock of general casualty companies and requiring deposits to be made by such companies; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Message from the Governor

A Secretary of the Governor was announced by the Doorkeeper, and was recognized by the President, to present the following message:

Austin, Texas,
May 2, 1939.

To the Members of the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be a member of the State Board of Health (Term beginning June 15, 1939):

Dr. W. B. Veazey of Huntsville, Walker County. (Replacing Dr. Wm. M. Dickens of Greenville.)

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

The message was read and was referred to the Committee on Nominations of the Governor.

**Conference Committee on
Senate Bill 75**

The President announced the appointment of the following conferees on S. B. No. 75 on the part of the Senate: Senators Nelson, Head, Cotten, Martin, and Burns.

**Committee Substitute for Senate Bill
32 on Passage to Engrossment**

(Unfinished Business)

The President laid before the Senate, as unfinished business, on its passage to engrossment (the bill having been read second time on April 25, 1939):

Committee Substitute S. B. No. 32, A bill to be entitled "An Act directing the Railroad Commission of Texas to inquire into the production of natural gas to determine whether or not waste or drainage is taking place; directing the Commission to prorate gas production when either waste or drainage is found to exist; defining certain terms; providing for the promulgation of rules and regulations; directing the Commission to limit the production of gas to an amount to supply statutory purposes; and declaring an emergency."

With the following amendment by Senator Martin pending:

Amend Committee Substitute S. B. No. 32 by adding to the end of Section 3, line 58, the following:

"Providing that every tract of land segregated as to surface position and common ownership containing 25,000 acres or more, not draining a greater volume of gas from other tracts than is being drained therefrom, shall be zoned into a separate zone, and the Commission shall not reduce or restrict the amount of sweet gas that may be produced from the wells in said zone as long as the amount of sweet gas being produced from said zone does not cause physical waste, and as long as the wells in said zone are not draining more sweet gas from other tracts than is being drained from said zone; and further providing that if any area producing sweet gas is being drained by any area producing sour gas, then said area producing sweet gas shall be zoned into a separate zone, and all

sweet gas wells in said zone shall be permitted to produce such amount of gas as they can produce without causing physical waste as defined in Chapter 120, Acts of Forty-fourth Legislature, Regular Session."

Question—Shall the amendment be adopted?

(Senator Weinert in the Chair.)

Question recurring on the amendment of Senator Martin, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—11

Beck	Nelson
Brownlee	Pace
Cotten	Stone
Lemens	of Galveston
Martin	Sulak
Moffett	Winfield

Nays—11

Aikin	Moore
Burns	Roberts
Collie	Small
Graves	Spears
Isbell	Stone
Lanning	of Washington

Absent

Head

Paired

Senator Redditt (present), who would vote "yea" with Senator Hardin (absent), who would vote "nay."

Senator Van Zandt (present), who would vote "nay" with Senator Metcalfe (absent), who would vote "yea."

Senator Weinert (present), who would vote "nay" with Senator Hill, (absent), who would vote "yea."

Senator Shivers (present), who would vote "nay" with Senator Kelley (absent), who would vote "yea."

Senator Moore moved the previous question on the passage of the bill to engrossment, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—4

Burns	Roberts
Moore	Van Zandt

Nays—22

Aikin	Pace
Beck	Redditt
Brownlee	Shivers
Collie	Small
Cotten	Spears
Graves	Stone
Isbell	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Moffett	Weinert
Nelson	Winfield

Absent

Hardin	Kelley
Head	

Absent—Excused

Hill	Metcalf
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Senator Martin offered the following amendment to the bill:

Amend S. B. No. 32 by adding at the end of the sentence in line 46, section 3, the following sentence: "In allocating the production among the wells in said field the Commission shall ascertain which tracts of land are draining sweet gas from other tracts, and if there are any tracts of land in said field not draining gas from any other tracts, then production from said tracts not draining sweet gas from others shall never be reduced as long as said tracts of land are not draining sweet gas from other tracts."

Senator Spears moved the previous question on the amendment and the passage of the bill to engrossment, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—8

Burns	Pace
Graves	Roberts
Lemens	Spears
Moore	Van Zandt

Nays—17

Aikin	Redditt
Beck	Small
Brownlee	Stone
Collie	of Galveston
Cotten	Stone
Isbell	of Washington
Lanning	Sulak
Martin	Weinert
Moffett	Winfield
Nelson	

Absent

Hardin	Kelley
Head	Shivers

Absent—Excused

Hill	Metcalf
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The amendment was adopted by the following vote:

Yeas—17

Aikin	Roberts
Brownlee	Spears
Collie	Stone
Cotten	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Moffett	Winfield
Pace	

Nays—6

Burns	Redditt
Graves	Small
Moore	Van Zandt

Absent

Beck	Head
Hardin	Nelson

Absent—Excused

Hill	Metcalf
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Paired

Senator Shivers (present), who would vote "nay" with Senator Kelley (absent), who would vote "yea."

The bill then was passed to engrossment by the following vote:

Yeas—13

Beck	Redditt
Collie	Roberts
Graves	Small
Isbell	Spears
Moffett	Stone
Moore	of Washington
Pace	Winfield

Nays—9

Aikin	Lemens
Brownlee	Martin
Burns	Stone
Head	of Galveston
Lanning	Sulak

Absent

Nelson

Paired

Senator Cotten (present), who would vote "nay" with Senator Hardin (absent), who would vote "yea."

Senator Weinert (present), who would vote "yea" with Senator Hill (absent), who would vote "nay."

Senator Van Zandt (present), who would vote "yea" with Senator Metcalfe (absent), who would vote "nay."

Senator Shivers (present), who would vote "yea" with Senator Kelley (absent), who would vote "nay."

Committee Substitute for Senate Bill 32 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that Committee Substitute S. B. No. 32 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Redditt
Beck	Roberts
Brownlee	Shivers
Burns	Small
Collie	Spears
Graves	Stone
Head	of Galveston
Isbell	Stone
Lemens	of Washington
Martin	Van Zandt
Moffett	Weinert
Moore	Winfield
Pace	

Nays—3

Cotten	Sulak
Lanning	

Absent

Hardin	Nelson
Kelley	

Absent—Excused

Hill	Metcalfe
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—12

Collie	Roberts
Graves	Small
Isbell	Spears
Moffett	Stone
Moore	of Washington
Pace	Winfield
Redditt	

Nays—11

Aikin	Lemens
Beck	Martin
Brownlee	Nelson
Burns	Stone
Head	of Galveston
Lanning	Sulak

Paired

Senator Cotten (present), who would vote "nay" with Senator Hardin (absent), who would vote "yea."

Senator Shivers (present), who would vote "yea" with Senator Kelley (absent), who would vote "nay."

Senator Van Zandt (present), who would vote "yea" with Senator Metcalfe (absent), who would vote "nay."

Senator Weinert (present), who would vote "yea" with Senator Hill (absent), who would vote "nay."

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 161 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House: Cornett, Skiles, Alsup, Chambers, Hale.

The House has concurred in Senate amendments to H. B. No. 649 by a viva voce vote.

After reconsideration of vote Concurring in Senate Amendments, the House refused to concur in Senate amendments to H. B. No. 166 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following are appointed on the part of the House: Loggins, Bridgers, Brown of Cherokee, Montgomery, Isaacs.

The House has concurred in Senate amendments to H. B. No. 929 by a vote of 113 yeas, 0 noes.

Mr. Holland has been appointed to replace Mr. Hull as conferee on H. B. No. 249.

The House has passed the following:

S. B. No. 69, A bill to be entitled "An Act providing that no party who participates either in person or by his attorney in the actual trial of the case in the trial court shall be entitled to review by the Court of Civil Appeals through means of writ of error; providing for a repeal of all laws and parts of laws in so far as they conflict with this Act or repeal; providing that writ of error shall continue to be available under the rules and regulations of the law, to a party who does not participate in the trial of the case in the trial court; providing for the effective date of this act, and declaring an emergency." (With amendment.)

The House has refused to concur in Senate amendments to H. B. No. 256 and requests the Senate for the appointment of a free conference committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House: Thornton, Smith of Matagorda, Thornberry, Cauthorn, Tennant.

The House refused to concur in Senate amendments to H. B. No. 257 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following are appointed on part of the House: Thornton, Schuene-mann, Baker of Fort Bend, Vale, Smith of Hopkins.

The House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 109. The following are appointed on part of the House: Reed, Morris, Monkhouse, Keith, Smith of Frio.

The House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 75. The following are appointed on part of the House: Johnson of Tarrant, Monkhouse, Gilmer, Wood, McAlister.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Senate Bill on First Reading

Senator Roberts moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Pace
Beck	Redditt
Brownlee	Roberts
Burns	Shivers
Collie	Small
Graves	Spears
Head	Stone
Isbell	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Moffett	Van Zandt
Moore	Weinert
Nelson	Winfield

Nays—1

Cotten

Absent

Hardin

Kelley

Absent—Excused

Hill

Metcalf

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Roberts:

S. B. No. 450, A bill to be entitled "An Act appropriating Twelve Thousand (\$12,000) Dollars, or so much thereof as may be necessary, for the month of June, 1939, and Twenty-one Thousand (\$21,000) Dollars, or so much thereof as may be necessary, for the month of July, 1939, and Twenty-one Thousand (\$21,000) Dollars, or so much thereof as may be necessary, for the month of August, 1939, out of any monies in the Treasury not otherwise appropriated, to defray the administrative expenses of the Texas Relief Commission incurred in connection with the distribution of surplus commodities, the investigation and certification of clients to Works Progress Administration, Civilian Conservation Corps, and National Youth Administration, the administration and liquidation of federal pro-

grams in Texas, and the performance of the duties imposed by law upon such Texas Relief Commission, and declaring an emergency."

Referred to Committee on Finance.

Motion to Call Bill from Table

Senator Burns moved to call S. B. No. 172 from the table for further consideration at this time.

Question—Shall the motion prevail?

Adjournment

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—15

Aikin	Moore
Brownlee	Pace
Collie	Redditt
Cotten	Shivers
Isbell	Small
Lanning	Weinert
Lemens	Winfield
Moffett	

Nays—6

Burns	Stone
Head	of Galveston
Spears	Sulak
	Van Zandt

Absent

Beck	Nelson
Graves	Roberts
Hardin	Stone
Kelley	of Washington
Martin	

Absent—Excused

Hill	Metcalf
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APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 448

carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 357 carefully examined, compared, and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 441 carefully examined, compared, and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 433 carefully examined, compared, and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 118 carefully examined, compared, and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 211 carefully examined, compared, and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 370 carefully examined, compared, and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 319 carefully examined, compared, and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 123 carefully examined, compared, and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

SIXTY-SECOND DAY

(Wednesday, May 3, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	
	Absent—Excused
Hill	Metcalf

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hill was granted leave of absence for today, on account of illness, on motion of Senator Burns.

Senator Metcalfe was granted leave of absence for today on account of illness, on motion of Senator Winfield.

Reports of Standing Committees

Senator Spears submitted the following report of the Committee on Criminal Jurisprudence:

Austin, Texas,
May 3, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 792, by Felty, A bill to be entitled "An Act to amend Article 6053 of the Revised Civil Statutes of Texas of 1925, as amended by providing regulations for the design, installation, construction, and operation of containers and pertinent equipment for the storage, handling, and transportation of butane or liquefied petroleum gases, empowering the Railroad Commission to alter and amend such regulations; providing for the cooperation of the Department of Public Safety with the Railroad Commission in the enforcement of the Act; etc.,"

Have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass as amended and be printed.

SPEARS, Chairman.

Senator Weinert submitted the following reports of the Committee on State Affairs:

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred